

Executive Summary – Enforcement Matter – Case No. 44790
BASF FINA Petrochemicals Limited Partnership
RN100216977
Docket No. 2012-1773-IWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

BASF TOTAL FINA Region Olefins Complex, located north of Highway 87/73 at the intersection of Highway 87/73 and Highway 366, Port Arthur, Jefferson County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 21, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,250

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,125

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$7,125

Name of SEP: Big Thicket Association

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Docket No. 2012-1773-IWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: May 25, 2012
Date(s) of NOE(s): July 25, 2012

Violation Information

Failed to prevent the unauthorized discharge of industrial wastewater [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004135000 Permit Conditions No. 2.d.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. By May 25, 2012, stopped the discharge, and removed and properly disposed of the dead fish and crayfish; and
- b. By August 22, 2012, updated clarifier start-up and shutdown procedures to include sampling parameters to be tested.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

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Respondent: Gregory M. Masiu, Vice President Site Manager, BASF FINA Petrochemicals Limited Partnership, Highway 366 Gate 99, Port Arthur, Texas 77642
Juergen Fuchs, Vice President, BASF FINA Petrochemicals Limited Partnership, Highway 366 Gate 99, Port Arthur, Texas 77642
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-1773-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BASF FINA Petrochemicals Limited Partnership
Penalty Amount:	Fourteen Thousand Two Hundred Fifty Dollars (\$14,250)
SEP Offset Amount:	Seven Thousand One Hundred Twenty-Five Dollars (\$7,125)
Type of SEP:	Contribution to a Third-Party Recipient SEP
Third-Party Recipient:	Big Thicket Association
Project Name:	<i>Wetland Species and Ecosystems Analysis</i>
Location of SEP:	Hardin, Jefferson, Orange, Jasper, Liberty, Polk, and Tyler Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Big Thicket Association** for the *Wetland Species and Ecosystem Analysis* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will be used to inventory an additional taxonomic group, such as lichens, bryophytes, mussels, mollusks, amphibians, fish, or birds (the "Project"). The Project will involve collecting specimens from the Preserve as well as wetland properties in the above mentioned counties which are in the process of being donated to the Preserve. Currently, a memorandum of understanding regarding the impending donation is in place that will allow inventory of these properties. These areas have never been inventoried and need data for resource management. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs.

BASF FINA Petrochemicals Limited Partnership
Agreed Order - Attachment A

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This Project will benefit the environment by identifying the biodiversity, both native and exotic, in wetland wildlife corridors to assist in stewardship and sustainability. It will also assess the state of pollution indicator species to determine the impact of pollution on the Preserve. Additionally, inventories will identify areas where invasive species are present and aid in the analysis of harmful invasive species spreads and their impacts so that areas for removal can be identified.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to **Big Thicket Association SEP** and shall mail the contribution with a copy of the Agreed Order to:

Big Thicket Association
Attention: Mary C. Johnston, President
P.O. Box 198
Saratoga, Texas 77585

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or the Project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	7-Nov-2012	Screening	21-Nov-2012	EPA Due	
	PCW	11-Feb-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	BASF FINA Petrochemicals Limited Partnership		
Reg. Ent. Ref. No.	RN100216977		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44790	No. of Violations	1
Docket No.	2012-1773-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Enhancement	Subtotals 2, 3, & 7	\$7,500
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Notes: Enhancement for one NOV with dissimilar violations, 15 orders with a denial of liability, and one order without a denial of liability. Reduction for one disclosure of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1
Approx. Cost of Compliance: \$1,100
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$14,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,250
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$14,250
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Screening Date 21-Nov-2012

Docket No. 2012-1773-IWD-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 3 (September 2011)

Case ID No. 44790

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216977

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	15	300%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 325%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations, 15 orders with a denial of liability, and one order without a denial of liability. Reduction for one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 325%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 21-Nov-2012

Docket No. 2012-1773-IWD-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 3 (September 2011)

Case ID No. 44790

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216977

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004135000 Permit Conditions No. 2.d

Violation Description

Failed to prevent the unauthorized discharge of wastewater through Outfall No. 001. Specifically, on May 24, 2012, approximately 1,190,000 gallons of water containing 785 pounds of free chlorine were discharged from a storm water pond, which is not authorized to discharge highly chlorinated wastewater from the clarifier. The discharge went through Outfall No. 001 into Drainage District ("DD") 7 Lateral 1-A to the confluence of DD-7 Lateral 1-A with DD-7 Atlantic Main Ditch resulting in a fish kill of hundreds of fish and crayfish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One daily event is recommended from the date the unauthorized discharge began (May 24, 2012) to the date the discharge ceased (May 25, 2012).

Good Faith Efforts to Comply

10.0% Reduction

\$750

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent achieved compliance by August 22, 2012.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

Economic Benefit Worksheet

Respondent BASF FINA Petrochemicals Limited Partnership
Case ID No. 44790
Reg. Ent. Reference No. RN100216977
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	24-May-2012	25-May-2012	0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	24-May-2012	22-Aug-2012	0.25	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to stop the discharge and remove and properly dispose of the dead fish. Date required is the date the unauthorized discharge began. Final date is the date the dead fish were removed and properly disposed of. Estimated cost to update clarifier start-up and shutdown procedures to include sampling and review required parameters to be tested prior to sending clarified water to Outfall No. 001. Date required is the date the unauthorized discharge began. Final date is the date the updates were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,100

TOTAL

\$1



Compliance History Report

PUBLISHED Compliance History Report for CN600128912, RN100216977, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN600128912, BASF FINA Petrochemicals Limited Partnership	Classification: SATISFACTORY	Rating: 22.03
Regulated Entity:	RN100216977, BASF TOTAL FINA NAFTA REGION OLEFINS COMPLEX	Classification: SATISFACTORY	Rating: 22.03
Complexity Points:	27	Repeat Violator:	NO
CH Group:	05 - Chemical Manufacturing		
Location:	N OF HWY 87/73 AT THE INTX OF HWY 87/73 AND HWY 366 IN PORT ARTHUR, JEFFERSON COUNTY, TX		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0843F
AIR OPERATING PERMITS PERMIT 2629
AIR OPERATING PERMITS PERMIT 2965
POLLUTION PREVENTION PLANNING ID NUMBER P06698

AIR OPERATING PERMITS PERMIT 2551
AIR OPERATING PERMITS PERMIT 2629
AIR OPERATING PERMITS PERMIT 3015
WASTEWATER PERMIT WQ0004135000

WASTEWATER EPA ID TX0119369

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000039909
AIR NEW SOURCE PERMITS AFS NUM 4824500182

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 86596

AIR NEW SOURCE PERMITS PERMIT 36644
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX950
AIR NEW SOURCE PERMITS EPA PERMIT N007
AIR NEW SOURCE PERMITS EPA ID PSDTX903
AIR NEW SOURCE PERMITS REGISTRATION 76480
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M1
AIR NEW SOURCE PERMITS REGISTRATION 82105
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M3
AIR NEW SOURCE PERMITS EPA PERMIT N018M1
AIR NEW SOURCE PERMITS EPA PERMIT N018M2
AIR NEW SOURCE PERMITS REGISTRATION 95473
AIR NEW SOURCE PERMITS REGISTRATION 101222
AIR NEW SOURCE PERMITS REGISTRATION 97972
AIR NEW SOURCE PERMITS REGISTRATION 100060
AIR NEW SOURCE PERMITS REGISTRATION 101918
AIR NEW SOURCE PERMITS REGISTRATION 103760
AIR NEW SOURCE PERMITS REGISTRATION 107230

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0843F
AIR NEW SOURCE PERMITS PERMIT 41945
AIR NEW SOURCE PERMITS EPA PERMIT N018
AIR NEW SOURCE PERMITS EPA PERMIT N007M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M2
AIR NEW SOURCE PERMITS REGISTRATION 79052
AIR NEW SOURCE PERMITS REGISTRATION 81912
AIR NEW SOURCE PERMITS REGISTRATION 84227
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M4
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX903M5
AIR NEW SOURCE PERMITS REGISTRATION 96596
AIR NEW SOURCE PERMITS REGISTRATION 97023
AIR NEW SOURCE PERMITS REGISTRATION 100466
AIR NEW SOURCE PERMITS REGISTRATION 100331
AIR NEW SOURCE PERMITS REGISTRATION 103757
AIR NEW SOURCE PERMITS REGISTRATION 107198
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0843F

Compliance History Period:	September 01, 2007 to August 31, 2012	Rating Year:	2012	Rating Date:	09/01/2012
Date Compliance History Report Prepared:	December 20, 2012				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	December 20, 2007 to December 20, 2012				

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jennifer Graves

Phone: (956) 430-6023

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |

4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A

5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 06/05/2008 ADMINORDER 2007-1481-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, & N-018 PERMIT
O-02629 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, Emission Point Number CT (EPN CT), from September 27 to October 10, 2006 and from October 12, 2006 through November 15, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT
O-02629 PERMIT

Description: Failed to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, EPN CT, from July 14, 2006 through August 2, 2006. Specifically, the permit limit is 3.07 lbs/hr. Weekly and daily sampling records and lab analysis indicate that the VOC average hourly rate was 5.87 lbs/hr for the period resulting in 1,412.35 lbs of unauthorized VOC emissions. A8c2Aii

2 Effective Date: 09/22/2008 ADMINORDER 2008-0095-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945/PSD-TX-95-, N-018 PERMIT
O-02629 OP

Description: Failure to maintain the rolling 12 month period emission cap, in tons per year, below the allowable permit limit for emissions of Nitrogen Oxides (NOx), and Carbon Monoxide (CO) from the High Pressure Flare, Emission Point Number: (EPN) P-7.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02629 OP

Description: Failure to maintain the rolling 12 month period emission cap, in tons per year, below the allowable permit limit for emissions of Nitrogen Oxides (NOx), and Carbon Monoxide (CO) from the Low Pressure Flare, Emission Point Number: (EPN) P-6.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT
O-02629 OP

Description: Failure to properly install a sample port to ensure a representative sample of the water returning to the

3 Effective Date: 11/17/2008 ADMINORDER 2008-0575-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT
GTC, STC No. 12 OP

Description: Failed to comply with the hourly maximum allowable emission rate ("MAER") for CO for Heaters H-400, H-600, H-700, H-800, H-6101, and H-6102 from May 2, 2005 through October 16, 2006. (A8c2Aii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT
GTC, STC 12 OP

Description: Failed to comply with the MAER for CO for Heater H-6101 on a 12-month rolling basis. Specifically for the period November 1, 2004 through October 31, 2005, actual CO emissions were 4.34 tons, whereas the permitted MAER was 3.02 tons per year. (A8c2Aii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT
GTC, SC No. 12 OP

Description: Failed to not exceed the maximum firing rate of 0.011 pounds per million British thermal units ("lbs/MMBtu") for CO for Heaters H-6101 and H-6102. Specifically, the Respondent exceeded the rate for Heater H-6101 for 953 hours from May 1, 2005 through July 1, 2006 and the rate for Heater H-6102 for 862 hours from May 1, 2005 through June 16, 2006. (A8c2Bi)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT
GTC and STC No. 12 OP

Description: Failed to maintain the Ground Flare, EPN N-15, emission rate below the calendar-year 2006 annual cap of 1600 tons for volatile organic compounds ("VOC"), nitrogen oxides ("NOx"), and CO combined. Specifically, in October 2006, the Ground Flare exceeded the emission cap when the year-to-date combined emissions were 1,625 tons. The total emissions from January through December 2006 were 1,824 tons. A12i6

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart NNN 60.662(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT
GTC, STC Nos 1A and 12 OP

Description: Failed to send the spent caustic and the corrugated plate interceptor/induced gas flotation ("CPI/IGF") streams to the carbon adsorption system during periods that the thermal oxidizer was not operating on nine separate days from March 1 to November 28, 2006. Specifically, the failure occurred on the following dates: March 1 for six hours, March 8 for one hour, March 21 for six hours, May 28 for two hours, June 16 for 10 minutes, August 13 for an unknown amount of time, October 14 for . . A12i6

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT

GTC, STC No. 12 OP

Description: Failed to comply with the hourly MAER for SO₂ for Heaters H-100, H-200, H-300, H-400, H-500, H-600, H-700, H-800, H-6101, and H-6102. A8c2Aii

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart FF 61.355(a)(1)(i)
40 CFR Part 61, Subpart FF 61.355(a)(4)(i)
40 CFR Part 61, Subpart FF 61.355(c)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT

GTC, STC 1A and 12 OP

Description: Failed to determine the total annual benzene quantity for 18 separate waste streams at the plant which contained benzene and greater than 10% water, and to include all waste streams in calculations to determine if the plant has benzene greater than 10 megagrams per year ("10 Mg/yr") and as such, subject to regulatory requirements. Specifically, in 2005 and 2006, the Respondent took samples from one 10-inch line after the process wastewater streams were co-mingled prior to it entering the Equali

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903, Special Condition 1 PERMIT

O-02251 OP

Description: Failed to comply with the CO MAER of 34.01 lbs/hr for Heaters H-0400, H-0700, and H-0800. Specifically, on January 12, 2007, Heater H-0400 had an emission rate of 44.48 lbs/hr for one hour. On November 26, 2006 and July 22, 2007, Heater H-0700 had an emission rate of 70.43 lbs/hr and 35.31 lbs/hr, respectively, for one hour each day. On July 3, 2007, Heater H-0800 had an emission rate of 40.17-42.87 lbs/hr for three hours, and on August 31, 2007 had a rate of 36.46 lbs/hr for one hour.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903, Special Condition 20 PERMIT

O-02551 OP

Description: Failed to send the spent caustic and the CPI/IGF streams to the carbon adsorption system for two hours on July 2, 2007 during the period that the thermal oxidizer (EPN: N-19) was not operating.

4

Effective Date: 12/20/2008 ADMINORDER 2006-1578-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PSD-TX-903, and N-007, SC 1 PERMIT

Air Operating Permit No. O-01877, GT & C PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(2)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)

Rqmt Prov: O-01877 PERMIT

Description: Failed to submit annual compliance certifications within 30 days after the end of the March 1, 2004 to February 28, 2005 and March 1, 2005 to February 28, 2006 certification periods and failed to report all deviations on the annual compliance certification report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 26644, PSD-TX-903, and N-007, SC 16B PERMIT
36644 / PSD-TX-903 / N-007 PERMIT
36644, PSD-TX-903, and N-007, SC 16A PERMIT
O-01877 PERMIT

Description: Failed to operate the gas turbine and duct burner (EPN N-20A) in Co-generation Unit 1 within emissions limits of 15.3 lbs/hr and 6 ppm of NOx, 53.9 lbs/hr and 50 ppm of CO, and 7.61 lbs/hr and 7 ppm of NH3.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT
36644, PSD-TX-903, N-007, SC 16A PERMIT
36644, PS-TX-903, N-007, SC 16B PERMIT
O-01877 PERMIT

Description: Failed to operate the gas turbine and duct burner (EPN N-20B) in Co-generation Unit 2 within emissions limits of 24.1 lbs/hr and 9 ppm of NOx and 7.61 lbs/hr and 7 ppm of NH3.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT
36644, PSD-TX-903, N-007, SC 21 PERMIT
O-01877 PERMIT

Description: Failed to operate the Auxiliary Boiler B-7240, EPN N-14, within emissions limits of 13.6 lbs/hr and 20.1 tpy and firing rate limits of 0.06 lbs/MMBtu/hr of NOx, emissions limits of 15.6 lbs/hr and firing rate limits of 0.069 lbs/MMBtu/hr of CO, and 2.35 tpy of VOCs.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.5
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent uncombined water in the form of steam vapor from Ethylene Cooling Tower from impairing visibility on adjacent public roads.

5 Effective Date: 12/20/2008 ADMINORDER 2005-1862-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to seal two open-ended valves or lines which resulted in Volatile Organic Compound emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 36644, PSD-TX-903 PERMIT

Description: Failed to follow 40 CFR § 60, Appendix A, Method 21 when conducting fugitive emission monitoring.

6 Effective Date: 01/30/2009 ADMINORDER 2008-1021-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 41945/PSD-TX-950, Special Condition 1 PERMIT
O-02629 OP

Description: Failed to prevent unauthorized emissions.

7 Effective Date: 02/22/2009 ADMINORDER 2008-1147-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX903M1, N-007 PERMIT
O-01877 OP

Description: Failed to maintain an emission rate below the allowable limit for nitrogen oxides ("NOx") at the Auxiliary Boiler (B-7240) Emission Point No. N-14, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877 General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented in a record review conducted April 7, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903M1, N-007 PERMIT
O-01877 OP

Description: Failed to maintain an emission rate below the allowable limit for NOx at the Co-generation Unit 1 (GTG-1) Emission Point No. N-20A, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-1877 General Terms and Conditions, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented in a record review conducted April 7, 2008.

8 Effective Date: 08/23/2009 ADMINORDER 2009-0140-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1, PSD-TX-950, N-018 OP
Special Condition 8 PERMIT

Description: Failed to maintain an emission rate below the Maximum Allowable Emission Rate Table ("MAERT") limit. Specifically, on March 12, 2008, the NOx MAERT limit of 1.8 pounds per hour ("lbs/hr") was exceeded for a period of nine hours and ranged between 2.9 lbs/hr and 3.7 lbs/hr at the C4 Boiler (Emission Point Number: BLR).

9 Effective Date: 08/31/2009 ADMINORDER 2009-0316-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1/PSD-TX-903 PERMIT
Special Condition 12 PERMIT

Description: Failed to maintain an emission rate below the allowable limit for NOx at Heaters H-0300 [Emission Point No. ("EPN") N-3], H-0400 (EPN N-4), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1/PSD-TX-903 PERMIT
Special Condition 12 OP

Description: Failed to maintain an emission rate below the allowable limit for CO at Heaters H-0100 (EPN N-1), H-0200 (EPN N-2), H-0300 (EPN N-3), H-0400 (EPN N-4), H-0500 (EPN N-5), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8)

- 10 Effective Date: 10/31/2009 ADMINORDER 2009-0750-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 36644/PSD-TX-903/N-007 PERMIT
O-01877 OP
Description: Failure to maintain an emission rate below the allowable limit for Oxides of Nitrogen (NOx) at the Auxiliary Boiler (B-7240), Emission Point Number N-14.
- 11 Effective Date: 06/04/2010 ADMINORDER 2009-1852-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 36644, Special Condition 21 PERMIT
Special Condition No. 1 OP
Special Condition No. 11 OP
Description: Failed to maintain compliance with the hourly nitrogen oxides ("NOx") maximum firing rate of 0.025 pounds per million British thermal units ("lbs/MMBtu") and the NOx emissions limit of 12.19 pounds per hour ("lbs/hr") for Heater H-0900.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 36644, Special Condition 30B PERMIT
O-03015, Special Terms and Conditions OP
Description: Failed to perform continuous emissions monitoring systems cylinder gas audits of Cogeneration Unit Nos. 1 and 2 during the second quarter of 2009.
- 12 Effective Date: 08/09/2010 ADMINORDER 2010-0137-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(a)
5C THSC Chapter 382 382.085(b)
Description: Failed to monitor the heat exchange system (cooling tower) properly to detect for leaks of hazardous air pollutants.
- 13 Effective Date: 09/26/2010 ADMINORDER 2010-0393-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903M2, Special Condition 1 PERMIT

O-02965, General Terms and Conditions OP

O-02965, Special Condition 6A OP

Description: Failure to maintain the Carbon Monoxide (CO) and Nitrogen Oxides (NOx) emission rates at Boiler B-7280, Emission Point Number (EPN) N-24A, below the allowable emission limits.

- 14 Effective Date: 04/18/2011 ADMINORDER 2010-1318-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.241
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-02551, General Terms and Conditions OP
Description: Failure to transfer or allow the transfer of gasoline from any stationary storage container into a motor vehicle fuel tank with an approved Stage II vapor recovery system.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 36644/PSD-TX-903M2, Special Condition 1 PERMIT
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP
Description: Failure to maintain the NOx emission rate at Cogeneration Train Unit 2 (EPN: N-20B) below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 36644/PSD-TX-903M2, Special Condition 1 PERMIT
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP
Description: Failure to maintain the NOx and CO emission rates at Fresh Feed Cracking Furnace H-0900 (EPN: N-9) below the allowable emission limits.
- 15 Effective Date: 07/31/2011 ADMINORDER 2011-0073-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 41945, PSD-TX-950, SC 1 PERMIT
O-02629 GTC and SC8 OP
Description: Failed to maintain an emission rate below the MAER for VOC from the Low Pressure Flare (Emission Point Number P-6). Specifically, the Respondent exceeded the rolling 12-month MAER of 2.17 tons for VOC from April 2009 through February 2010, resulting in the unauthorized release of 4.03 tons of VOC.
- 16 Effective Date: 05/25/2012 ADMINORDER 2011-1403-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 36644/PSD-TX-903M3, SC 1 PERMIT
Special Conditions No. 1 PERMIT
Special Terms and Conditions No. 20 OP
Description: Failed to maintain compliance with NOx hourly MAER for Heater H-0900. Specifically, the heater exceeded

the NOx MAER of 12.19 pounds per hour ("lb/hr") for a total of 48 hours on November 26 and 27, 2010, and February 17, 2011. The NOx emission rate ranged from 13.99 lb/hr to 19.21 lb/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903M3, SC30C PERMIT
SC No. 30.C. PERMIT
STC No. 20 OP

Description: Failed to use the correct reference temperature to determine the stack flow concentration based on the measured firing rate and British thermal unit ("Btu") content of the fuel for the following units (and Emission Point Nos.): Ethylene Cracking Furnaces (N-1 through N-9), Supplemental Boiler (N-14), the Cogeneration Trains (N-20A and N-20B), Boilers B-7280 (N-24) and B-7290 (N-24B), and the Thermal Oxidizer (N-19). The Respondent used a temperature of 60EF instead of the standard of 68EF to co

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	January 18, 2008	(631700)
Item 2	February 12, 2008	(612301)
Item 3	March 20, 2008	(677383)
Item 4	March 26, 2008	(618828)
Item 5	March 31, 2008	(639376)
Item 6	April 03, 2008	(618788)
Item 7	April 18, 2008	(677384)
Item 8	May 07, 2008	(639841)
Item 9	May 20, 2008	(696081)
Item 10	June 14, 2008	(682556)
Item 11	June 18, 2008	(680217)
Item 12	June 20, 2008	(696082)
Item 13	June 27, 2008	(684500)
Item 14	July 11, 2008	(696083)
Item 15	July 14, 2008	(686123)
Item 16	July 16, 2008	(680169)
Item 17	August 18, 2008	(717732)
Item 18	August 20, 2008	(683987)
Item 19	September 07, 2008	(688218)
Item 20	September 18, 2008	(717733)
Item 21	October 06, 2008	(689179)
Item 22	October 08, 2008	(699637)
Item 23	October 16, 2008	(717734)
Item 24	October 27, 2008	(706451)
Item 25	December 08, 2008	(709755)
Item 26	December 18, 2008	(733058)
Item 27	December 23, 2008	(707971)
Item 28	January 08, 2009	(733059)
Item 29	January 19, 2009	(733056)
Item 30	February 04, 2009	(725405)
Item 31	February 25, 2009	(724544)
Item 32	March 19, 2009	(756227)
Item 33	March 23, 2009	(735846)
Item 34	March 24, 2009	(737450)
Item 35	April 16, 2009	(756228)
Item 36	May 20, 2009	(773206)
Item 37	June 04, 2009	(738245)
Item 38	June 15, 2009	(773207)

Item 39	July 16, 2009	(749656)
Item 40	July 17, 2009	(819779)
Item 41	September 18, 2009	(819781)
Item 42	September 24, 2009	(762608)
Item 43	September 28, 2009	(764587)
Item 44	October 01, 2009	(764402)
Item 45	October 05, 2009	(765783)
Item 46	October 22, 2009	(765935)
Item 47	October 26, 2009	(766609)
Item 48	November 09, 2009	(778734)
Item 49	November 20, 2009	(819783)
Item 50	December 21, 2009	(781746)
Item 51	January 28, 2010	(786723)
Item 52	February 01, 2010	(786196)
Item 53	February 26, 2010	(793152)
Item 54	March 15, 2010	(786185)
Item 55	March 18, 2010	(836177)
Item 56	March 19, 2010	(790121)
Item 57	May 19, 2010	(836179)
Item 58	July 02, 2010	(827654)
Item 59	July 31, 2010	(829467)
Item 60	August 20, 2010	(868927)
Item 61	September 03, 2010	(849157)
Item 62	September 16, 2010	(864368)
Item 63	September 17, 2010	(875783)
Item 64	September 29, 2010	(849057)
Item 65	October 13, 2010	(883362)
Item 66	November 30, 2010	(877275)
Item 67	December 16, 2010	(898121)
Item 68	January 05, 2011	(904022)
Item 69	February 28, 2011	(899069)
Item 70	March 17, 2011	(918174)
Item 71	April 18, 2011	(930584)
Item 72	May 17, 2011	(939882)
Item 73	June 16, 2011	(947291)
Item 74	July 19, 2011	(921694)
Item 75	August 18, 2011	(961135)
Item 76	September 15, 2011	(967227)
Item 77	October 12, 2011	(973190)
Item 78	October 13, 2011	(949970)
Item 79	December 08, 2011	(986157)
Item 80	February 28, 2012	(983111)
Item 81	March 19, 2012	(1005374)
Item 82	April 19, 2012	(1011947)
Item 83	May 16, 2012	(1002244)
Item 84	June 07, 2012	(1018318)
Item 85	July 20, 2012	(1033403)
Item 86	August 16, 2012	(1039924)
Item 87	September 20, 2012	(1048871)
Item 88	October 17, 2012	(1035687)
Item 89	October 29, 2012	(1034663)
Item 90	November 20, 2012	(1044058)
Item 91	November 30, 2012	(1043017)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	05/31/2012	(1002430)	CN600128912
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.146(1)		

Published Compliance History Report for CN600128912, RN100216977, Rating Year 2012 which includes Compliance History (CH) components from December 20, 2007, through December 20, 2012.

	30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to accurately certify compliance in the Annual Compliance Certification (ACC).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to report all instances of deviations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 36644, Special Condition 9E OP 5C THSC Chapter 382 382.085(b) O-02551, Special Condition 12 OP		
Description:	Failure to prevent 9 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1 and F-4 areas.		
	Minor C10		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644, Special Condition 19 PERMIT 5C THSC Chapter 382 382.085(b) O-02551, Special Condition 20 OP		
Description:	Failure to operate the Thermal Oxidizer at temperatures of 1,800 degrees Fahrenheit or greater.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644, Special Condition 9H PERMIT 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1) 5C THSC Chapter 382 382.085(b) O-02551, Special Condition 20 OP		
Description:	Failure to repair or replace components found to be leaking fugitive emissions in excess of 500 ppmv within 15 days as required.		
	MOD2b B1		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644, Special Condition 14B PERMIT 5C THSC Chapter 382 382.085(b) O-02551, Special Condition 20 OP		
Description:	Failure to maintain the gas net heating value above 635 BTUs/scf to the Ground Flare, EPN: N-15.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644, Special Condition 14A PERMIT 5C THSC Chapter 382 382.085(b) O-02551, Special Condition 20 OP		
Description:	Failure to maintain the gas net heating value above 300 British Thermal Units per standard cubic feet (BTUs/scf) to the Enclosed Flare, EPN: N-15A.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644, Special Condition 20A PERMIT 5C THSC Chapter 382 382.085(b) O-02551, Special Condition 20 OP		
Description:	Failure to monitor the Carbon Adsorption System (CAS) every eight hours when in use.		
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, Special Condition 20 OP

Description: Failure to maintain an emission rate below the allowable limit for Oxides of Nitrogen (NOx) and Carbon Monoxide (CO) at the Package Boilers, B-7280 and B-7290 (EPNs: N-24A and N-24B) and Auxiliary Boiler (B-7240), EPN: N-14.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, Special Condition 20 OP

Description: Failure to maintain compliance with the one hour firing rate permit limitation of 0.08 lbs/MMBTUs for NOx for Heaters, H-0200, H-0300, H-0400, H-0600, H-800, and H-0900.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, Special Condition 20 OP

Description: Failure to maintain compliance with the one hour firing rate permit limitation of 0.077 lbs/MMBTUs for Carbon Monoxide (CO) for Heaters, H-0100, H-200, H-0900 and H-6101 (0.07 lbs/MMBTUs) and Boiler, B-7240 (0.069 lbs/MMBTUs).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02551, Special Condition 20 OP
PERMIT 36644, Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for Oxides of Nitrogen (NOx) at the Auxiliary Boiler (B-7240), Emission Point Number N-14.

F. Environmental audits:

Notice of Intent Date: 04/27/2007 (561243)
Disclosure Date: 03/26/2008
Viol. Classification: Major
Rqmt Prov: PERMIT TPDES 0119369
Description: Failure to obtain stormwater coverage for all industrial activities.
Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54
Description: Failure to update the contingency plan with a list of emergency equipment and emergency coordinators.
Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644
Description: Failure to properly calculate emissions averages, NOx and CO lb/mmbtu limits for N-14 boiler.
Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644
Description: Failure to maintain records of annual gap measurement for secondary seals (EFR) and visual seal inspections (IFR) were not found for Tank TK-8101.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
Description: Failure to submit initial notification for TK-8001 and TK-2501.
Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644
Description: Failure to submit sampling report within 45 days.
Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644
Description: Failure to maintain a temperature above 1800 F on several occasions between 06/01/2005 and 01/21/2007 at EPN N-19.
Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Failure to notify TCEQ in advance of major turnaround scheduled for the end of August 2007.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(a)(2)

Description: Failure to install flow indicator as required for the vent from Stripping Tower (T-5702).

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR 36644

Description: Failure to operate within permitted emission rates for 2003 through 2006 at EPNs F-1, F-4 and F-5.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR 36644

Description: Permit does not adequately reflect current vapor pressure information for Tanks TK-2501, TK-8001 and TK-8101.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR 36644

Description: Failure to take sample after outlet of primary canister and prior to inlet of secondary canister, use FID or TCEQ approved equivalent, maintain CAS monitoring records for 5 years, and include start and end time of TO outage (period when CAS is in use) in records.

Viol. Classification: Moderate

Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to use and report the level of detection achieved by the laboratory as the sample result and for calibrating maximum and average values.

Viol. Classification: Moderate

Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to maintain recordkeeping and training requirements for Good Housekeeping and Spill Prevention & Response Measures.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(b)(2)(i)

Description: Failure to maintain records. The following could not be located: Report for the applicable vent from Unit T-3101 (Demethanizer) routed to process heater, report using TO as control device for vent from Stripper Tower & Spent Caustic Oxidizer Reactor at Cracker Unit, schematic diagram as part of initial report.

Viol. Classification: Minor

Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to collect all required samples at the required location.

Viol. Classification: Moderate

Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to report pH as minimum and maximum value on the DMR.

Viol. Classification: Moderate

Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to properly calculate NOx llb/mmmbtu for cracking furnaces.

Viol. Classification: Moderate

Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to properly measure flow by only using one measurement.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1083(c)(1)

Description: Failure to maintain documents showing the average VO concentrations for hazardous wastes are being managed in bulk containers.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(c)

Description: Failure to include complete information in Title V permit concerning identification and characteristics of subject waste streams.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.100

Description: Failure to maintain records showing that response factors were determined for all chemical species and confirming calibration gases complied with Method 21.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR 36644

Description: Failure to maintain records of AVO inspections.

Viol. Classification: Minor

Rqmt Prov: PERMIT NSR 36644

Description: On a number of occasions prior to June 2005 the repair of leaking components was not assisted simultaneously by an approved analyzer.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Description: Failure to monitor specific valves monthly for at least two months.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1203(c)

Description: Failure to use an actual background reading, instead a default was used.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)
Description: Failure to maintain records. Specifically, actual readings are not being recorded in all instances.
Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)
Description: Failure to put correct time stamp on monitoring records for components 24704 and 23835 on 02/01/2007 and 02/21/2007.
Viol. Classification: Major
Rqmt Prov: PERMIT NSR 36644

Description: Failure to properly calculate emissions, due to a mathematical error, resulting in exceeded emission limits for the DP Reactor (EPN N-11) and Decoking Drum (EPN N-18).

Disclosure Date: 04/14/2008
Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(b)(2)(i)
Description: Failed to be able to locate a report for the applicable vent from Unit T 5401.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54
Description: The list of emergency equipment and emergency coordinators listed in the Plan does not match the current equipment and coordinators.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failed to adhere to the permitted VOC emission rates for TK-9804.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failed to be able to locate records of annual gap measurements for secondary seals and visual seal inspections for Tank TK-9804 for all years.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
Description: Failure to maintain report documentation containing description of the location at which the vent stream from Unit T 5401 Debutanizer is introduced into the process heater.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54
Description: Failed to have correct representations in permit application.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8
Description: Failed to be able to locate a report for using a heater with < 150 MMBtu/hr heat capacity as a control device for relevant vents from debutanizer and hydrogen reactors.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(s)
Description: No schematic diagram could be located as part of the initial report.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.7(a)
Description: Facility drawings do not legibly display container location and contents and may not include all regulated tanks.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.7(a)
Description: The SPCC plan does not include an accurate and complete list of on site oil containers.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.8(c)
Description: During times of high rainfall sufficient capacity is not available to contain an oil release because secondary containment is allowed to retain accumulated storm water and adjacent refinery may not be able to accept flows.
Viol. Classification: Moderate

Rqmt Prov: PERMIT 40 CFR Method 21, 7.2
Description: Prior to 4/7/2004 the plant failed to keep records confirming calibration gases complied with Method 21.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 112, SubChapter D, PT 112 112.7(f)(2)
Description: The employees designated with discharge responsibility under the plan no longer work at the plant.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1087(b)(ii)
Description: Failure to make light material or light liquid service emission determinations for all waste streams.
Viol. Classification: Major

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1083(c)(1)
Description: Documents showing the average CO concentrations for hazardous wastes being managed in bulk

containers could not be located, and is therefore assumed not to have been determined.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1087(b)(ii)

Description: Failed to determine light material or light liquid service for all waste streams.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 9F

Description: Prior to June 2005 the repair of leaking components was not assisted simultaneously by an approved analyzer.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NESHAP F, G, H

Description: Failed to monitor a number of valves monthly for at least two months.

Viol. Classification: Minor

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.3(d)

Description: The language used in the certification statement does not include the required language and an original PE signature does not accompany the seal.

Viol. Classification: Minor

Citation: 30 TAC Chapter 112, SubChapter A 112.8(c)

Description: The SPCC plan does not adequately address integrity testing for bulk storage containers.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)

Description: Failed to record readings in all instances.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(b)

Description: Failed to submit initial notification describing how the facility is subject to 40 CFR 63, Subparts F, G, and H.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF FINA PETROCHEMICALS
LIMITED PARTNERSHIP
RN100216977**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-1773-IWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF FINA Petrochemicals Limited Partnership ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petrochemical manufacturing plant located north of Highway 87/73 at the intersection of Highway 87/73 and Highway 366 in Port Arthur, Jefferson County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on May 25, 2012, TCEQ staff documented that approximately 1,190,000 gallons of water containing 785 pounds of free chlorine was discharged from the storm water pond, which is not authorized to discharge highly chlorinated wastewater from the clarifier. The discharge went through Outfall No. 001 into Drainage District ("DD") 7 Lateral 1-A to the confluence of DD-7 Lateral 1-A with the DD-7 Atlantic Main Ditch resulting in a fish kill of hundreds of fish and crayfish.
4. The Respondent received notice of the violations on July 27, 2012.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By May 25, 2012, stopped the discharge, and removed and properly disposed of the dead fish and crayfish; and
 - b. By August 22, 2012, updated clarifier start-up and shutdown procedures to include sampling parameters to be tested.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of industrial wastewater, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004135000 Permit Conditions No. 2.d.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Fourteen Thousand Two Hundred Fifty Dollars (\$14,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand One Hundred Twenty-Five Dollars (\$7,125) of the administrative penalty. Seven Thousand One Hundred Twenty-Five Dollars (\$7,125) of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Fourteen Thousand Two Hundred Fifty Dollars (\$14,250) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF FINA Petrochemicals Limited Partnership, Docket No. 2012-1773-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Seven Thousand One Hundred Twenty-Five Dollars (\$7,125) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

7/3/13
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of BASF FINA Petrochemicals Limited Partnership. I am authorized to agree to the attached Agreed Order on behalf of BASF FINA Petrochemicals Limited Partnership, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, BASF FINA Petrochemicals Limited Partnership waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

4-11-13
Date

GREGORY M MASICA
Name (Printed or typed)
Authorized Representative of
BASF FINA Petrochemicals Limited Partnership

VP SITE MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-1773-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BASF FINA Petrochemicals Limited Partnership
Penalty Amount:	Fourteen Thousand Two Hundred Fifty Dollars (\$14,250)
SEP Offset Amount:	Seven Thousand One Hundred Twenty-Five Dollars (\$7,125)
Type of SEP:	Contribution to a Third-Party Recipient SEP
Third-Party Recipient:	Big Thicket Association
Project Name:	<i>Wetland Species and Ecosystems Analysis</i>
Location of SEP:	Hardin, Jefferson, Orange, Jasper, Liberty, Polk, and Tyler Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Big Thicket Association** for the *Wetland Species and Ecosystem Analysis* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will be used to inventory an additional taxonomic group, such as lichens, bryophytes, mussels, mollusks, amphibians, fish, or birds (the "Project"). The Project will involve collecting specimens from the Preserve as well as wetland properties in the above mentioned counties which are in the process of being donated to the Preserve. Currently, a memorandum of understanding regarding the impending donation is in place that will allow inventory of these properties. These areas have never been inventoried and need data for resource management. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs.

BASF FINA Petrochemicals Limited Partnership
Agreed Order - Attachment A

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This Project will benefit the environment by identifying the biodiversity, both native and exotic, in wetland wildlife corridors to assist in stewardship and sustainability. It will also assess the state of pollution indicator species to determine the impact of pollution on the Preserve. Additionally, inventories will identify areas where invasive species are present and aid in the analysis of harmful invasive species spreads and their impacts so that areas for removal can be identified.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to **Big Thicket Association SEP** and shall mail the contribution with a copy of the Agreed Order to:

Big Thicket Association
Attention: Mary C. Johnston, President
P.O. Box 198
Saratoga, Texas 77585

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or the Project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.